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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,582	03/31/2004	R. David Arnold	07844-636001 / P589	8418
21876 7590 01/08/2009 FISH & RICHARDSON P.C. P.O. Box 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER				
CHOW, JEFFREY J				
ART UNIT		PAPER NUMBER		
2628				
NOTIFICATION DATE		DELIVERY MODE		
01/08/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

### Office Action Summary

**Application No.**

10/816,582

**Applicant(s)**

ARNOLD ET AL.

**Examiner**

Jeffrey J. Chow

**Art Unit**

2628

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-22 and 25-34 is/are allowed.
- 6) ☒ Claim(s) 1-12, 23, 24 and 35-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/12/08.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 November 2008 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 12 November 2008 have been fully considered but are not persuasive. Applicant argues Hassett et al. (US 5,301,267) does not teach using a scaled stem width that applies to the glyph as a whole and using the entire value of the stem width (pages 15 and 16). Applicant argues Hassett does not teach using the scaled stem width to select a rendering policy, where the rendering policy (page 16). Hassett discloses adjusting an outline by keeping stem widths similar in size or keeping features aligned on pixel boundaries (column 6, lines 38 – 46) and adjusting width to certain boundaries and moving edges based on width size (column 13, lines 1 – 43) and centering characters based on the width of the stem (column 13, lines 45 – 68) and after performing both the Width and Centering adjustments, the stem has been fully hinted (column 14, lines 22 – 27). Hassett uses both fractional part and the whole part of the stem width of the scaled outline to determine the adjustment of the outline for display and therefore teaches using a whole scaled stem width to determining a rendering policy.

***Terminal Disclaimer***

The terminal disclaimer filed on 12 November 2008 disclaiming the terminal portion of any patent granted on this application. The terminal disclaimer has been recorded.

***Claim Objections***

Claim 37 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 12. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). Though the preamble of claim 37 recites, “, in a processor operatively coupled to a display device, performed the actions of” it is intended use and holds no patentable weight.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 12 and 37 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Based on *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978), *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876), and *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008) decisions indicate that a statutory “process” under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject

matter (such as an article or material) to a different state or thing. While the instant claim(s) recite a series of steps or acts to be performed, the claim(s) neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. For instance, the recited steps could be performed manually, without the use of a particular thing or product of another statutory class.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 12, 23, 24, 35, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Hassett et al. (US 5,301,267).

Regarding independent claim 11, Hassett teaches a computer-implemented method, comprising, in a processor operatively coupled to a display device (intended use), performing the actions of

receiving a plurality of glyphs to be rendered, where each glyph includes a respective glyph outline (column 5, lines 51 – 63 and column 6, lines 31 – 38: Type 1 fonts have outlines to be scaled),

for each glyph, before generating any raster representation of the glyph (Figure 5: Fill and Rasterize 118 step done last), using an entire value of a scaled stem width that applies to the glyph as a whole to select a rendering policy for rendering the glyph (column 6, lines 38 – 46:

adjusting an outline by keeping stem widths similar in size or keeping features aligned on pixel boundaries; column 13, lines 1 – 43: adjusting width to certain boundaries and moving edges based on width size; column 13, lines 45 – 68: centering characters based on the width of the stem), where a rendering policy comprises a plurality of parameters for rendering the glyph and includes a hinting policy (column 14, lines 22 – 27: after performing both Width and Centering adjustments, the stem has been fully hinted; column 11, line 51 – column 12, line 14: the fractional part of the width of the stem determines adjustment of the width), and modifying the glyph outline in accordance with the hinting policy included in the selected rendering policy to generate a modified glyph outline (column 13, lines 25 – 42: adjustment to the  $Width_{DS}$  can be turned into movement of edges by apportioning the total  $\Delta_{width}$  between each edge), the glyph outline and the modified glyph outline each comprising a respective closed path defined by a font program specifying a connected sequence of lines or curves or both (Figures 6a, 6B and 7: letter "P" having straight lines and Bezier curves, forming closed paths), and

rasterizing the modified glyph outline and generating a raster representation of the glyph from the rasterized modified glyph outline in accordance with the selected rendering policy for presentation on the display device (Figure 5: Fill and Rasterize 118; Figure 6a: letter "P" adjusted using a hinting policy; column 4, lines 57 – 60: display device).

Regarding dependent claim 12, Hassett teaches a rendered glyph is represented by a plurality of device pixels (Figures 6a, 6b, and 7: letter "P" uses more than one device pixels), and wherein the selected rendering policy includes an initial adjustment value for adjusting initial density values of one or more of the plurality of device pixels (column 11, line 51 – column 12,

line 14:  $\delta a_{w/dth}$ ), the initial density values derived from the rasterizing of the modified glyph outline (column 8, lines 37 – 49: letter “P” in Figure 6a with unadjusted stroke widths uses 2.4 pixels as letter “P” in Figure 6b with adjusted stroke widths uses two pixels).

Regarding claims 23, 24, 35, and 36, claims 23, 24, 35, and 36 are similar in scope as to claims 11 and 12, thus the rejections for claims 11 and 12 hereinabove is applicable to claims 23, 24, 35, and 36.

#### ***Allowable Subject Matter***

Claims 13 – 22 and 25 – 34 are allowed.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey J. Chow whose telephone number is (571)-272-8078. The examiner can normally be reached on Monday - Friday 10:00AM - 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Ulka Chauhan can be reached on (571)-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



/Phu K. Nguyen/  
Primary Examiner, Art Unit 2628